

United States District Court

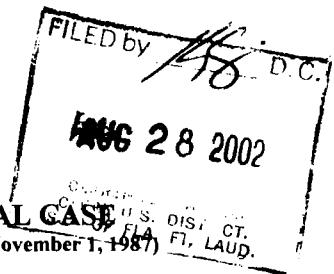
**Southern District of Florida
FT. LAUDERDALE DIVISION**

UNITED STATES OF AMERICA

AMENDED

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)



v.

Case Number: 00-6329-CR-FERGUSON

NICHOLAS LEVANDOSKI

Counsel For Defendant: Martin Jaffe, Esq.

Counsel For The United States: Robert Nicholson

Court Reporter: Brynn Dockstader

The defendant pleaded guilty to Count ONE (1) AND TWO (2) of the Information.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

TITLE/SECTION NUMBER	NATURE OF OFFENSE	DATE OFFENSE CONCLUDED	COUNT
18 U.S.C. § 1341	Mail Fraud	09/21/1999	1
21 U.S.C. § 33 (q)(2)	Making false statements to the Food and Drug Administration (FDA)	09/21/1999	2
21 U.S.C. § 333 (a)(2)		09/21/1999	

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No. 320-30-4454

Defendant's Date of Birth: 07/18/1936

Deft's U.S. Marshal No.: 55566-004

Date of Imposition of Sentence:

April 25, 2001

Defendant's Mailing Address:

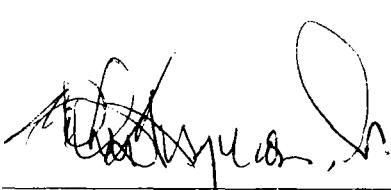
13000 S.W. 81st Avenue

Miami, FL 33156

Defendant's Residence Address:

13000 S.W. 81st Avenue

Miami FL 33156


WILKIE D. FERGUSON, JR.

United States District Judge

August 28, 2002



DEFENDANT: NICHOLAS LEVANDOSKI
CASE NUMBER: 00-6329-CR-FERGUSON

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **Fifteen (15) Months as to Counts One and Two to be served concurrently.**

The Court recommends to the Bureau of Prisons:

- That the defendant is incarcerated at FCI, Miami or as close to South Florida as possible.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons **before 2:00 P.M. on June 25, 2001.**

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

DEFENDANT: NICHOLAS LEVANDOSKI
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **3 Years**.

- The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.
- The defendant shall not commit another federal, state or local crime.
- The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

- The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.
- **The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.**
- If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.
- The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).
- **The defendant shall also comply with the additional conditions on the attached page.**

STANDARD CONDITIONS OF SUPERVISION

- The defendant shall not leave the judicial district without the permission of the court or probation officer;
- The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- The defendant shall support his or her dependents and meet other family responsibilities;
- The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- The defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
- The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- The defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
- The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: NICHOLAS LEVANDOSKI
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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

- (A) The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.
- (B) The defendant shall obtain prior approval from the U.S. Probation Officer before entering into any self-employment.
- (C) The defendant shall not apply for, solicit, or incur, any further debt, included but not limited to, loans, lines of credit, or credit card charges, either as a principal or cosigner, as an individual or through any corporate entity, without first obtaining permission from the U.S. Probation Officer

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$200.00	\$	\$197,500

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
JORGE CHAVEZ	\$	\$64,018.00	N/A
**Joseph Sarduy	\$	\$2,827.33	N/A
**Dante Rubio	\$	\$2,827.33	N/A
**Abbey Fiallo	\$	\$2,827.33	N/A
SDK Pharmaceuticals, Inc	\$	\$35,000.00	N/A
Timothy Martsching	\$	\$72,000.00	N/A
Salterven International, S.A.	\$	\$17,500.00	N/A

** Formerly GEMCO

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A. Lump sum payment of **\$197,700.00** due immediately.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The assessment/fine/restitution is payable to the U.S. COURTS and is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
301 N. MIAMI AVENUE, ROOM 150
MIAMI, FLORIDA 33128**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Joint and Several Liability for Restitution

Defendant Name, Case Number, and Joint and Several Amount:

- (1) Henry Bernard Shur
00-6329-CR-FERGUSON
Joint and Several Amount: \$197,500.00
- (2) SMLX Technologies, Inc.
00-6328-CR-FERGUSON
Joint and Several Amount: &197,500.00

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

- The total amount of restitution ordered to victim Jorge Chavez is to be reduced in an amount equal to that submitted by the defendant to Jorge Chavez and/or C&O Trading in Broward County Circuit Court Arbitration Proceeding Case Number 00-5835, subject to verification of payments by the United States Probation Office.